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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,686	07/30/2001	Roy Cohen	Q01/4	8850

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EXAMINER

KIM, HAROLD J

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 07/07/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/916,686

Applicant(s)

COHEN, ROY

Examiner

Harold Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 4, and 8-10 is/are objected to.
- 8) ☒ Claim(s) 14-30 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's election of Group I, Claims 1-13, in the reply filed on 6/8/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. This application contains claims 14-30 drawn to an invention nonelected in the reply filed on 6/8/2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01

3. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant, all future correspondence should include the recommended line numbering.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-3, 5, 6, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller, US Patent no. 5,604,589.**

6. In re claim 1, Miller shows a system for providing a plurality of operating systems [col 3, lines 51-55] for operating a computational device [8, fig 3], the system comprising:

(a) a first hard disk drive [32, fig 3] for storing a first operating system [col 3, line 51], said first hard disk drive being operated by the computational device;

(b) a second disk drive [34, fig 3] for storing a second operating system [col 3, line 54], said second hard disk drive being operated by the computational device; and

(c) a hard disk drive communication controlling device [9 and 20, fig 3] for controlling a function of each of said first hard disk drive and said second hard disk drive, such that only one of said first hard disk drive and said second hard disk drive is operable at a particular time [col 3, lines 50-55; col 4, lines 23-29].

7. In re claim 2, Miller shows (d) a power supply [11, fig 3] for supplying power to each of said first hard disk drive and said second hard disk drive, such that only one of said first hard disk drive and said second hard disk drive receives power at a time, as determined by said hard disk drive communication controlling device [col 8, lines 1-5].

8. In re claim 3, Miller shows (e) a first power line [+5V, +12V in fig 3] from said power supply to power a motor [inherently shown since hard drives have a motor] of each of said first hard disk drive and said second hard disk drive; and (f) a second power line [+5V, +12V in fig 3] from said power supply to power a logical circuitry [inherently shown since hard drives have a logical circuitry] of each of said first hard disk drive and said second hard disk drive, such that at least one of said first power line and said second power line is disconnected from said power supply to block power to one of said first hard disk drive and said second hard disk drive [col 8, lines 1-3].

9. In re claim 5, Miller shows (d) a first communication line [data line connected to 32 in fig 2] for communicating with said first hard disk drive; and (e) a second

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communication line [data line connected to 34 in fig 2] for communicating with said second hard disk drive, such that one of said first and second communication lines is blocked to block communication to one of said first hard disk drive and said second hard disk drive [col 4, lines 23-26].

10. In re claim 6, Miller shows (d) a communication line [bus from 9 and 20 in fig 3] for communicating between the computational device and each of said first hard disk drive and said second hard disk drive, such that only one of said first hard disk drive and said second hard disk drive communicates with the computational device at a particular time, as determined by said hard disk drive communication controlling device [9 and 20 in fig 3].

11. In re claim 11, Miller shows a floppy disk drive [12, fig 2], and a floppy disk drive communication controlling device for controlling a function of said floppy disk drive, to determine if said floppy disk drive is operable [8, 9, 12 in fig 2; col 7, lines 1-9].

12. In re claim 12, Miller shows said hard disk drive communication controlling device switches between said first hard disk drive and said second hard disk drive only after blocking power to the computational device [col 9, lines 55-59].

13. In re claim 13, Miller shows said hard disk drive communication controlling device is manually controlled by a user [col 3, line 50].

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller, US Patent no.5,604,890, as applied to claims 1-3, 5, 6, and 11-13 above, in view of Hipp et al., US Patent no. 6,325,636.**

16. In re claims 7, Miller does not show a network card for communicating with each of a plurality of network lines, and a network switcher for determining a connection of network lines. However, a network card and network switcher are basic network component that are necessary to send and/or receive data packets on network and very well known as shown in Hipp et al. [col 3, line 66 to col 4, line 16]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the network card and network switcher as shown in Hipp et al. for sending and/or receiving data packets on network.

17. Claims 4 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Further references of interest are cited on Form PLO-892, which is attachment to this office action.

Any response to this action should be mailed to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The centralized fax number is 703 872-9306.

The centralized hand carry paper drop off location is:

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03

Any inquiry of a general nature or relating to the status of this application should be directed to the technology center receptionist whose telephone number is (703) 306-5631.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Kim whose telephone number is 703-305-1948. The examiner can normally be reached on Monday-Thursday 6AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harold J. Kim

Patent Examiner

June 27, 2004/HK